

Exhibit “K”

Stephen Michael Cohen
A.V La Marina Edif.13 Dep.1
Fraccionamiento El Toro C.P 82120
Mazatlan, Sinaloa Mexico

Email mrstephenmcohen@yahoo.com

Petitioner/Defendant in PRO SE

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GARY KREMEN,

Plaintiff,

vs.

STEPHEN MICHAEL COHEN, at al.,

Defendants.

CASE NUMBER _____

DECLARATION OF STEPHEN MICHAEL
COHEN IN SUPPORT OF HIS
EMERGENCY WRIT OF MANDAMUS

District Court Case Number
CV 98-20718 JW PVT

I, Stephen Michael Cohen hereby declare that:

I have read each and every statement made in my "Emergency
Writ of Mandamus and all of the exhibits which are attached and
each statement made by me true and correct.

Further, the exhibits attached are true and correct copies
of the originals.

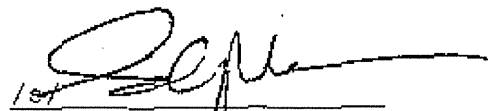
At this time, I am without the necessary funds to travel
at my own expense. I am trying to borrow the necessary funds

DECLARATION OF STEPHEN MICHAEL
COHEN IN SUPPORT OF HIS
EMERGENCY WRIT OF MANDAMUS

1
2 and as of this date and time, no one is willing to loan me the
3 funds.

4 I declare under the penalty of perjury that the foregoing
5 is true and correct.

6 Executed on this 18th day of February, in the City of
7 Mazatlan, Mexico.

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12 Stephen Michael Cohen
13 Declarant
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DECLARATION OF STEPHEN MICHAEL
COHEN IN SUPPORT OF HIS
EMERGENCY WRIT OF MANDAMUS

EXHIBIT "A"

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GARY KREMEN, ET AL.,) C-98-20718-JW
)
PLAINTIFFS,) DECEMBER 4, 2006
)
V.)
)
STEPHEN COHEN, ET AL.,) PAGES 1-44
)
DEFENDANTS.)
)

COPY

THE PROCEEDINGS WERE HELD BEFORE
THE HONORABLE UNITED STATES DISTRICT
JUDGE JAMES WARE

A P P E A R A N C E S:

FOR THE PLAINTIFFS: MR. IDELL & SEITEL
BY: RICHARD J. MR. IDELL
465 CALIFORNIA STREET
SUITE 300
SAN FRANCISCO, CALIFORNIA 94104

DILLON & GERARDI
BY: TIMOTHY P. DILLON
4660 LA JOLLA VILLAGE DRIVE
SUITE 775
SAN DIEGO, CALIFORNIA 92122

FOR THE DEFENDANTS: THE LAW OFFICE OF STEVE EMERY
TEICH
BY: STEVEN EMERY TEICH
1390 MARKET STREET
SUITE 310
SAN FRANCISCO, CALIFORNIA 94102

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074

1 HAVE TO REMOVE MR. COHEN, AND WE INTERRUPT THAT
2 PROCESS, GO AHEAD AND DO SO SO WE CAN KEEP MOVING
3 ON OUR REGULAR CALENDAR BUT MAKE HIM AVAILABLE AS
4 MUCH AS YOU CAN.

5 (WHEREUPON, A RECESS WAS TAKEN.)

6 THE COURT: CALL THE CALENDAR.

7 THE CLERK: RECALLING CASE NUMBER
8 98-20718, GARY KREMEN VERSUS STEPHEN COHEN.

9 MR. TEICH: GOOD AFTERNOON. STEVE TEICH
10 WITH MR. COHEN AND WHO IS IN CUSTODY AND WE DID ALL
11 OF THE REQUESTED DOCUMENTS.

12 MR. IDELL: THE ONLY THING WITH REGARD TO
13 WHAT HAS BEEN FILED IS AN ASSOCIATION EXECUTED I
14 BELIEVE BY MR. COHEN I THINK IN ORDER WOULD HAVE
15 BEEN A SUBSTITUTION OF COUNSEL SUBSTITUTING OUT
16 MR. GOALWIN IF HE'S GOING OUT OR SOME EVIDENCE THAT
17 MR. TEICH IS, IN FACT, MR. COHEN'S LAWYER IN THIS
18 CASE.

19 SO THAT'S ONE ORDER OF BUSINESS THAT WE
20 WOULD LIKE TO SEE HAPPEN IN WHATEVER MANNER THE
21 COURT WOULD LIKE TO SEE IT PREPARED.

22 THE COURT: MR. TEICH, WHAT IS YOUR
23 STATUS? ARE YOU NOW REPRESENTING MR., MR. COHEN?

24 MR. TEICH: YES, ALONG WITH MR. GOALWIN
25 FOR PURPOSES OF THESE PROCEEDINGS. MY

1 UNDERSTANDING IS THAT THIS CASE IS CLOSED. I'VE
2 SEEN IT IN THE DOCKET THAT HE WAS IN CUSTODY, AND
3 I'VE GOTTEN INTO THIS CASE AND TO HELP HIM GET OUT
4 OF CUSTODY AND AFTER THAT THERE IS NOTHING FURTHER
5 GOING ON IN THIS CASE TO MY UNDERSTANDING,
6 MR. GOALWIN CONTINUES TO BE THE ATTORNEY OF RECORD
7 AND I AM APPEARING FOR, AS ON, ON MR. COHEN'S
8 BEHALF AS HIS ATTORNEY.

9 MR. IDELL: THAT, YOUR HONOR, WOULD NOT
10 BE OUR UNDERSTANDING. WE UNDERSTOOD, YOU KNOW THAT
11 MR. COHEN HAS TOLD US FOR 13 MONTHS HE HAS TO GET
12 OUT AND COMPLETE HIS RECORDS AND COMPLETE THE
13 ACCOUNTING AND THE ACCOUNTING IS NOT COMPLETE.
14 THERE ARE HOLES IN IT AND CERTAINLY NOW HE COULD
15 FULFILL HIS STATEMENTS THAT HE'LL FIND OUT ABOUT
16 HIS BANK ACCOUNTS AND GET HIS RECORDS AND FIND OUT
17 WHERE THE MONEY IS AND FILL IN THE BLANKS AND MAKE
18 A TRIP TO LICHTENSTEIN AND FIND OUT WHAT IS GOING
19 ON THERE WITH THE ACCOUNTS AND ALL OF THE THINGS
20 HE'S BEEN TELLING US HE CAN'T DO HE SHOULD BE ABLE
21 TO DO NOW THAT HE'S GOING TO BE, TO BE OUT OF, OUT
22 OF CUSTODY.

23 SO --

24 THE COURT: WELL, I CANNOT ORDER HIM TO
25 HIRE A LAWYER OR TO HAVE A LAWYER BUT I CAN, IF YOU

1 ASK ME TO, SET A DATE FOR, FOR A FURTHER
2 EXAMINATION OF, OF JUDGMENT DEBTOR AND ORDER THAT
3 HE BE HERE.

4 MR. IDELL: YOUR HONOR, ON THAT --

5 THE COURT: AND ALLOW YOU TO, TO ASK
6 FURTHER QUESTIONS OF HIM AND, AND TO CONTINUE THAT
7 PROCESS BECAUSE THAT IS A RECOGNIZED PROCESS OF THE
8 COURT BUT I WON'T, I WON'T CONTROL WHO HE IS
9 REPRESENTED BY OR TO DO ANYTHING OTHER THAN TO
10 ORDER HIM TO APPEAR FOR THOSE PURPOSES.

11 MR. IDELL: I APPRECIATE THAT, YOUR
12 HONOR, AND THAT WAS NEXT ON MY LIST. WE WOULD LIKE
13 TO DO THAT.

14 THE COURT: WHAT DATE DO YOU HAVE IN
15 MIND?

16 MR. IDELL: WELL, THE END OF FEBRUARY
17 WOULD BE A SUITABLE DATE, SOME TIME AT THE END OF
18 FEBRUARY.

19 THE COURT: COUNSEL OR MR. COHEN THE END
20 OF FEBRUARY THAT WOULD BE THE WEEK OF
21 FEBRUARY 26TH, MONDAY, FEBRUARY 26TH WOULD BE OUR
22 REGULAR LAW AND MOTION CALENDAR.

23 MR. IDELL: THAT WOULD BE FINE.
24 FEBRUARY 26TH.

25 THE COURT: DON'T SAY YES IF YOU DON'T

1 INTEND TO APPEAR HERE BECAUSE THE FAILURE TO APPEAR
2 IF I ORDER YOU TO BE HERE IS YET ANOTHER VIOLATION
3 OF, OF A COURT ORDER AND SO I WOULD -- MY ORDER OF
4 RELEASE WOULD SAY YOU ARE ORDERED TO BE HERE ON
5 FEBRUARY 26TH AT, AT -- WELL, THIS WOULD BE A CIVIL
6 MATTER. SO AT 9:00 O'CLOCK FOR, FOR A, FOR A, AN
7 EXAMINATION OF, OF JUDGMENT DEBTOR.

8 AND, AND SINCE I'M, I'M ORDERING THAT
9 HERE WITH YOU PRESENT IN COURT, IT WON'T BE ANY
10 EXCUSE THAT YOU SOMEHOW DIDN'T UNDERSTAND THAT YOU
11 WANTED TO PERSONALLY BE HERE, YOU HAVE TO
12 PHYSICALLY PERSONALLY BE HERE UNLESS COUNSEL
13 STIPULATED TO EXCUSE YOU BECAUSE LOTS CAN HAPPEN
14 BETWEEN NOW AND THEN WHERE YOU MIGHT SATISFY THEM
15 AS TO INFORMATION BUT ALTHOUGH THAT EXAMINATION YOU
16 WOULD BE SWORN BY THE COURT AND BE BOUND TO ANSWER
17 ANY QUESTIONS THAT COUNSEL MIGHT PUT TO YOU FOR
18 THAT PURPOSE.

19 DO YOU UNDERSTAND?

20 THE DEFENDANT: YES, I DO, SIR.

21 MR. IDELL: AND, YOUR HONOR, ALONG THOSE
22 LINES, WE DO NOT HAVE ANY ADDRESS FOR MR. COHEN.
23 WE WOULD BE ASKED WE BE ALLOWED TO SERVE ANY PAPERS
24 ON MR. TEICH OR WHOEVER IT IS THAT IS GOING TO BE
25 COUNSEL FOR MR. COHEN FROM THIS DAY FORWARD SO WE

1 DON'T HAVE ANY PROBLEMS WE HAVE RUN INTO IN THE
2 PAST WHERE MR. COHEN IS NOT IN CUSTODY TELLING HIM
3 WE DIDN'T PROPERLY SERVE HIM OR HE DOESN'T HAVE AN
4 ADDRESS.

5 THE STATEMENT WAS MADE EARLY TODAY THAT
6 HE LIVES IN SAN DIEGO AND THAT'S THE FIRST WE HEARD
7 OF THAT BECAUSE WE DON'T HAVE AN ADDRESS BUT TO GET
8 AROUND ALL OF THAT WE WOULD ASK THAT WE BE ALLOWED
9 TO SERVE MR. TEICH AND GOALWIN WITH ANY PAPERS TO
10 BE SERVED ON MR. COHEN SO WE CAN DO THAT.

11 THE COURT: WHAT IS YOUR RESPONSE?

12 MR. TEICH: COULD I HAVE ONE MOMENT? I
13 HAVE NO PROBLEM ACCEPTING SERVICE. I'LL BE IN
14 CONTACT WITH MR. COHEN, BUT I FULLY EXPECT THAT FOR
15 THE SUBSEQUENT PROCEEDINGS OF A CIVIL NATURE, THAT
16 HE WILL, HE WILL HAVE A DIFFERENT ATTORNEY OR
17 HIMSELF AND HE WILL BE HERE.

18 MY SPECIALTY IS WHAT I HAVE ACCOMPLISHED
19 SO I DON'T WANT TO MAKE ANY MISREPRESENTATION TO
20 THE COURT BUT I WILL CERTAINLY ACCEPT SERVICE AND I
21 WILL BE IN CONTACT WITH MR. COHEN AND IF WE GET A
22 NEW CIVIL ATTORNEY, HE WILL -- I WILL MAKE SURE
23 THAT HE CONTACTS -- SUBSTITUTES IN AND IS IN
24 CONTACT WITH THE COURT AND OTHER COUNSEL

25 THE COURT: WELL, LET ME DO IT THIS WAY,

1 I'LL CONDITION HIS RELEASE ON YOUR, ON YOUR SERVING
2 AS, AS COUNSEL FOR PURPOSES OF SERVING ANY NOTICE
3 ON MR. COHEN; THAT IS, SERVICE ON, ON YOUR OFFICE
4 AT 1390 MARKET STREET IN SAN FRANCISCO WOULD BE
5 SUFFICIENT FOR PURPOSES OF NOTICE AND SERVICE OF
6 ANY MATTERS THAT HAVE TO BE SERVED ON MR. COHEN.

7 AND, AND, OF COURSE, HE MAY SUBSTITUTE
8 SOMEONE ELSE BUT THAT SUBSTITUTION WOULD REQUIRE,
9 WOULD REQUIRE AN ORDER OF THE COURT; IN OTHER
10 WORDS, I WON'T ACCEPT THE LAWYERS AGREEING TO IT.

11 I WANT SOMEONE PHYSICALLY PRESENT IN
12 COURT AGREEING TO NOW SUBSTITUTE, SUBSTITUTE SO
13 THAT YOU WOULD THEN BE RELIEVED OF ORDER OF COURT.
14 UNTIL RELIEVED, SERVICE ON YOU IS SUFFICIENT FOR
15 SERVICE ON MR. COHEN. THE IMPORT OF THAT,
16 MR. COHEN, IS THAT IF I ISSUE AN ORDER, AND IT'S
17 SERVED ON MR. TEICH, THAT'S CONSIDERED SERVICE ON
18 YOU. YOU COULD BE HELD IN CONTEMPT FOR VIOLATING
19 AN ORDER OF THE COURT IF IT'S SERVED ON YOU AND YOU
20 HAVE NOTICE OF IT. BY MR. TEICH STEPPING FORWARD
21 AND ACCEPTING SERVICE ON YOUR BEHALF, THE COURT
22 WILL REGARD THAT AS PERSONAL SERVICE ON YOU.

23 AND DO YOU UNDERSTAND THAT, SIR?

24 THE DEFENDANT: I UNDERSTAND THAT AND
25 ACCEPT THAT.

1 THE COURT: AND DO YOU AGREE TO ALLOW
2 MR. TEICH TO SERVE IN THAT REGARD?

3 THE DEFENDANT: YES, SIR.

4 THE COURT: AND, MR. TEICH, YOU'RE
5 AGREEING TO SERVE IN THAT REGARD?

6 MR. TEICH: ABSOLUTELY.

7 MR. IDELL: YOUR HONOR, THE NEXT MATTER
8 IS THAT WE WOULD LIKE A STIPULATION THAT WE CAN
9 SUBMIT TO YOU LETTERS ROGATORY FOR THIS OUT OF THE
10 COUNTRY DISCOVERY THAT WE'RE GOING TO HAVE TO DO IN
11 ORDER TO, TO GET FURTHER INFORMATION REGARDING BANK
12 ACCOUNTS.

13 WE DIDN'T HAVE THOSE LETTERS ROGATORY
14 PREPARED FOR TODAY AND WE WANT TO MAKE SURE THAT,
15 THAT GOING FORWARD WE'RE NOT GOING TO HAVE ANY
16 ISSUE OF, OF BEING ABLE TO GET THOSE LETTERS
17 ROGATORY ISSUED.

18 THE COURT: WHAT -- YOU WON'T -- THAT'S A
19 NORMAL CIVIL DISCOVERY PROCESS. YOU DON'T NEED A
20 STIPULATION FOR THAT.

21 ALL YOU HAVE TO DO IS TO PREPARE THEM IN
22 PROPER FORM.

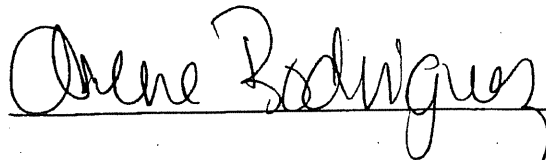
23 MR. IDELL: AND SUBMIT THEM TO YOUR
24 HONOR.

25 THE COURT: YES.

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE, INCLUSIVE, CONSTITUTED A TRUE, FULL
AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN
AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.



IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER CSR 8074

EXHIBIT “B”

Exhibit “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Gary Kremen,

NO. C 98-20718 JW

Plaintiff,

**ORDER GRANTING DEFENDANT'S
MOTION FOR SUBSTITUTION OF
ATTORNEY**

v.

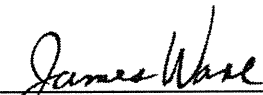
Stephen Cohen, et al.,

Defendants.

On February 26, 2007, the Court conducted a Hearing on Judgment/Debtor Satisfaction and Defendant Stephen Cohen's ("Cohen") Motion for Substitution of Attorney. In attendance were Richard Idell and Timothy Dillon, counsel for Plaintiff; Steve Teich, counsel for Cohen; and Cohen. The Court orders as follows:

1. Pursuant to the parties' verbal stipulation during the hearing, service on Steve Teich's office, located at 1390 Market Street #310, San Francisco, CA 94102, is equivalent to personal service on Cohen. This is true for matters relating to both the civil and contempt proceedings in this case.
2. Cohen's motion to substitute counsel for John Goalwin is granted as to himself only. Cohen shall represent himself in further proceedings before the Court.
3. The Court grants Cohen's request to designate this case for e-filing. The parties shall electronically file any further documents in this case.

Dated: February 27, 2007


JAMES WARE
United States District Judge

1 THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

2 Chad S. Hummel chummel@manatt.com
 Christopher L. Wanger cwanger@manatt.com
 3 Daniel E. Alberti dalberti@mwe.com
 David Henry Dolkas ddolkas@mwe.com
 4 George G. Weickhardt gweickhardt@ropers.com
 Glen H. Isaacs invalidaddress@invalidaddress.com
 5 Jack S. Yeh jyeh@manatt.com
 James M. Wagstaffe wagstaffe@kerrwagstaffe.com
 6 John P. Kern jkern@manatt.com
 Karl Stephen Kronenberger karl@kronenbergerlaw.com
 7 Patricia De Fonte Patricia.DeFonte@idellseitel.com
 Richard J. Idell richard.idell@idellseitel.com
 8 Steve Emery Teich steve.teich@sbcglobal.net
 Terri R Hanley law@terrihanley.com
 9

10 Dated: February 27, 2007

Richard W. Wieking, Clerk

11 By: /s/ JW Chambers

12 Elizabeth Garcia
 13 Courtroom Deputy
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EXHIBIT "C"

Exhibit "C"

Stephen Michael Cohen
A.V La Marina Edif.13 Dep.1
Fraccionamiento El Toro C.P 82120
Mazatlan, Sinaloa Mexico

Email mrstephenmcohen@yahoo.com

Attorney for Defendant in Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY KREMEN,)	Case No. CV 98-20718 JW PVT
)	
Plaintiff,)	CHANGE OF ADDRESS, CANCELLATION
)	OF ALL OTHER ADDRESSES AND A
)	STIPULATION
)	
vs.)	
)	
)	
STEPHEN MICHAEL COHEN, at al.,)	
)	
)	
Defendants.)	

Comes now, Judgment debtor and prior defendant Stephen Michael Cohen who changes his address effective this date and time to:

Stephen Michael Cohen
A.V La Marina Edif.13 Dep.1
Fraccionamiento El Toro C.P 82120
Mazatlan, Sinaloa Mexico

All other address listed for Cohen with this entitled court as of this date and time are canceled and deemed null and void.

Cohen stipulated and the court so ordered that Cohen would

1 accept service via the Court's ECF System on all documents
2 served pursuant to Rule 5 of the Federal Rules of Civil
3 Procedures.

4 Service of process for a "Judgment Debtor's Examination"
5 requires service under Rule 4 of the Federal Rules of Civil
6 Procedures, i.e., personal service.

7 Cohen hereby stipulates that he will waive service as
8 required under Rule 4 of the Federal Rules of Civil Procedures
9 relating to any "Judgment Debtor's Examination" upon the
10 following terms and conditions:

11 A. Cohen will appear at any location Plaintiff desire
12 to hold a "Judgment Debtor's Examination" upon *prepayment*
13 *of all required fees authorized by law including but not*
14 *limited to airfare, taxi's, food, witness fees and hotel if*
15 *the deposition continues more than 10 hours.*

16 B. If Plaintiff desires to hold a "Judgment Debtor's
17 Examination" in Mexico then Cohen will require service via the
18 judicial police as required under Mexican Law with prepayment of
19 all fees authorized by the Federal Rules of Civil Procedures at
20 the time of service of process including any and all fees
21 required under by Mexican Law.

22 Cohen is a resident of Mexico and does not own a
23 business anywhere in the United States and/or for that matter
24 anywhere else in the world.

25 Dated: 26 November 2007

26
27 /s _____
28 Stephen Michael Cohen

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of November, 2007, I electronically filed the foregoing with the Clerk of the Court using the *CM/ECF* system which will send notification of such filing to the following:

Richard J. Idell, Esq.
Idel & Seitel
465 California Street, Suite 300
San Francisco, CA 94104
Served via Email to: Richard.idell@idellseitel.com

Dillion and Gerardi, APC
Attn.: Timothy P. Dillion, Esq.
4660 La Jolla Village Drive, Suite 775
San Diego, CA 92122
Served via email to: tdillon@dillongerardi.com

Steve Emery Teich, Esq.
1390 Market Street
Fox Plaza, Suite 310
San Francisco, CA 94102
Send via email to: steve.teich@sbcglobal.net

Dated: November 26, 2007

/s/

Stephen Michael Cohen
Attorney for Judgment Debtor
In Pro Se

CERTIFICATE OF SERVICE



EXHIBIT “D”

Exhibit “D”

This message is not flagged. [Flag Message - Mark as Unread]

Subject: Judgment Debtor Exam

Date: Mon, 26 Nov 2007 17:15:43 -0800

From: "Tim Dillon" <TDillon@dillongerardi.com>  View Contact Details  Add Mobile Alert

To: "Stephen Cohen" <mrstephenmcohen@yahoo.com>

CC: "Nadya Spivack" <NSpivack@dillongerardi.com>

Dear Mr. Cohen:

I am writing you in order to reset your judgment debtor examination. I would prefer to agree upon a date and time that you would appear at my office to avoid filing a motion and setting a date at our convenience. Would you kindly let me know when you are available to come to our office. If we do not hear back from you by Friday, we will file our request with the Court and set your examination at the earliest possible date.



Yours Very Truly,

Timothy P. Dillon
Dillon & Gerardi, APC
4660 La Jolla Village Drive, Suite 775
San Diego, CA 92122
tel (858) 587-1800
fax (858) 587-2587

CONFIDENTIAL COMMUNICATION - THIS MESSAGE IS INTENDED SOLELY FOR THE USE AND VIEW OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. MAIL. THANK YOU.

Printable View This message is not flagged. [Flag Message - Mark as Unread]

Date: Mon, 26 Nov 2007 22:42:53 -0800 (PST)

From: "Stephen Cohen" <mrstephenmcohen@yahoo.com>  Add to Address Book  Add Mobile Alert

Subject: Re: Judgment Debtor Exam

000006

To: "Tim Dillon" <TDillon@dillongerardi.com>

Dear Mr Dillon:

I just filed a change of address and I have agreed to appear at any JD hearing you set anywhere you desire.

I will not be able to appear for a JD hearing for the next week or so. I am currently resting due to extreme high blood pressure. 210/130.

I am hoping that my blood pressure will drop within the next few days due to new med's I am taking. If so, then I have no problem appearing for your JD hearing as soon as you desire.

As you are aware, the Federal Rules of Civil Procedures requires that you prepay all fees for my appearance as a Judgment debtor.

Since I am broke and without any assets these fees must be prepaid in advance without exception.

Please let me know where you want to hold this examination, the date and time of the examination that is convenient to you, and the total hours that you will examine me.

With this information, I will contract the United States Marshall Office to determine the correct fees that have to be prepaid including my transportation, food, witness fees and hotel if necessary.

I will then contact you and give you the name and phone number of the person at the Marshall's office so you can verify the fees required to be paid in advance.

I will then go to a bank and open an account so you can wire the funds as authorized under law.

Thank you

Stephen Michael Cohen

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Subject: RE: Judgment Debtor Exam

Date: Tue, 27 Nov 2007 14:40:31 -0800

From: "Tim Dillon" <TDillon@dillongerardi.com>  View Contact Details  Add Mobile Alert



To: "Stephen Cohen" <mrstephenmcohen@yahoo.com>

Mr. Cohen:

We find your claim that you have moved suspect. Would you kindly provide us with some additional information that would support your assertion. Your claim that you have relocated does not change your prior representations to the court regarding service nor that you would appear in San Diego . We look forward to reviewing any additional information you can provide and hope that your health improves soon.

Tim Dillon
Dillon & Gerardi, APC

Printable View This message is not flagged. [Flag Message - Mark as Unread]

Subject: RE: Judgment Debtor Exam
Date: Tue, 27 Nov 2007 16:24:03 -0800
From: "Tim Dillon" <TDillon@dillongerardi.com>  View Contact Details  Add Mobile Alert
To: "Stephen Cohen" <mrstephenmcohen@yahoo.com>

Mr. Cohen:

In spite of the differences between you and our client, I bear no ill will toward you or your health.

With respect to your email, please provide me with John Hawkins information. I look forward to speaking with him.

When did you move? How many days a week/month do you reside in Mazatlan ? If we are going to accept your representation, without involving Judge Ware, we need additional information. Otherwise, we intend to obtain an order for you to appear without precondition on a mutually agreeable date.

Tim Dillon
Dillon & Gerardi, APC

From: Stephen Cohen [mailto:mrstephenmcohen@yahoo.com]
Sent: Tuesday, November 27, 2007 4:24 PM
To: Tim Dillon
Subject: RE: Judgment Debtor Exam

Dear Mr. Dillon:

Thank you for your remarks about my health.

I moved into an apartment owned by John Hawkins, who is a client of Robert Meredith.

Because of Bob, John is not charging me and has allowed me to stay as long as I desire at his place. If you wish verification, you are welcome to contract Bob Meredith at his law offices in Salt Lake City, Utah . Bob has been a member of the bar for over 30 years and currently sits on the Utah State Bar Committee and is a member in good standing of the Utah State Bar.

Relating to my representations to the court, it has never changed.

I stipulated that I would appear in San Diego , however, at no time, did I ever agree to waive the statutory fees allowed by law nor would I. These fees were set by the United States Congress and incorporated in the Federal Rules of Civil Procedures and furthermore they have been upheld by the United States Supreme Court.

I look forward to seeing you at my JD Hearing.



Respectfully,

Stephen Michael Cohen

Printable View This message is not flagged. [Flag Message - Mark as Unread]

Subject: RE: Judgment Debtor Exam

Date: Tue, 27 Nov 2007 16:24:03 -0800

From: "Tim Dillon" <TDillon@dillongerardi.com>  View Contact Details  Add Mobile Alert

To: "Stephen Cohen" <mrstephenmcohen@yahoo.com>

Mr. Cohen:

In spite of the differences between you and our client, I bear no ill will toward you or your health.



With respect to your email, please provide me with John Hawkins information. I look forward to speaking with him.

When did you move? How many days a week/month do you reside in Mazatlan ? If we are going to accept your representation, without involving Judge Ware, we need additional information. Otherwise, we intend to obtain an order for you to appear without precondition on a mutually agreeable date.

Tim Dillon
Dillon & Gerardi, APC

Printable View This message is not flagged. [Flag Message - Mark as Unread]

Date: Tue, 27 Nov 2007 21:38:19 -0800 (PST)

From: "Stephen Cohen" <mrstephenmcohen@yahoo.com>  Add to Address Book  Add Mobile Alert

Subject: RE: Judgment Debtor Exam

To: "Tim Dillon" <TDillon@dillongerardi.com>

Dear Mr. Dillon:

John is currently in the United States and you can reach him through Bob's office. I would assume he would give you whatever you request.

I moved here two weeks ago. This is my permanent resident address.

I have no objections to you getting an order from the court providing that the statutory fees are paid in advance.

You of course are welcome to come to Mazatlan with your court reporter and whom else you wish to bring.

If you want to have the JD Hearing here in Mazatlan then under Mexican and American law you must first obtain a new "Letter Rogatory" from Judge Ware for delivery to the Mexican Government. These letters are only good for a limited period of time in Mexico.

I will not object to you obtaining a "letter of Rogatory" for the taking of my deposition.

Once you have obtained the signed "letter of Rogatory", you will need to process it through the Mexican Government and the Mexican Judicial Police. This should take no more than 1 year.

Please bear in mind that from Mazatlan to your office is no less than 1425 street miles or 923.29 air miles from Airport to airport.

You of course can do as you wish and seek an order from Judge Ware authorizing the taking of my deposition in Mexico or I can come to the United States.

In any case, I am still entitled to the statutory fees which must be paid in advance.

If you do the research, you will learn that I am under no obligation to take this deposition in the United States since I am a full time resident of Mexico. However, I waive this in order to make life easy for you.


Respectfully,

Stephen Michael Cohen

Printable View This message is not flagged. [Flag Message - Mark as Unread]

Subject: Kremen v. Cohen

Date: Wed, 20 Feb 2008 13:26:46 -0800

From: "Tim Dillon" <TDillon@dillongerardi.com>  Add Mobile Alert

To: "Stephen Cohen" <mrstephenmcohen@yahoo.com>, "Nadya Spivack" <NSpivack@dillongerardi.com>

CC: "Steve Teich" <steve.teich@sbcglobal.net>

Dear Mr. Cohen:

We are in the process of scheduling your deposition as a Judgment Debtor. Please advise us when you are available for your deposition in our offices in San Diego between March 24 – April 4th. We will use your input in our request to the Court.



Yours Very Truly,

Timothy P. Dillon
Dillon & Gerardi, APC
4660 La Jolla Village Drive, Suite 775
San Diego, CA 92122
tel (858) 587-1800
fax (858) 587-2587

CONFIDENTIAL COMMUNICATION - THIS MESSAGE IS INTENDED SOLELY FOR THE USE AND VIEW OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. MAIL. THANK YOU.

This message is not flagged. [Flag Message - Mark as Unread]

Date: Wed, 20 Feb 2008 14:51:51 -0800 (PST)

From: "Stephen Cohen" <mrstephenmcohen@yahoo.com>  Add to Address Book  Add Mobile Alert

Subject: Re: Kremen v. Cohen

To: "Tim Dillon" <TDillon@dillongerardi.com>

Dear Mr. Dillon:

When you mentioned filing with the court, I remembered that Judge Ware has never ruled on the fraudulent and perjurious statement made by Richard Idell, in his prior motion for a Judgment Debtor's Examination. Consequently, I am working on a motion for an immediate ruling by Judge Ware. That should be filed by tomorrow.

You are welcome to schedule the deposition at any time that is convenient to you between the dates of March 24 – April 4th

Please let me know as soon as possible:

The date of the deposition.

The time period that you will examine me;

If this examination will continue more than one day;

With this information I will contact the United States Marshall to determine what the correct fees are that have to be paid in advance.

I will then give you the name and telephone number of the United States Marshall to whom I have spoken to, so you can verify the information given to me by the United States Marshall.

I will then go to a local bank here and open up an account so you can wire funds as required by the Federal Rules of Civil Procedures.

Upon receipt of your funds, I will make airline reservations and book my hotel if necessary.

Stephen Michael Cohen

Printable View This message is not flagged. [Flag Message - Mark as Unread]

Subject: RE: Kremen v. Cohen

Date: Wed, 20 Feb 2008 14:50:43 -0800

From: "Tim Dillon" <TDillon@dillongerardi.com>  Add Mobile Alert

To: "Stephen Cohen" <mrstephenmcohen@yahoo.com>

CC: "Nadya Spivack" <NSpivack@dillongerardi.com>

Mr. Cohen:

Thank you for your prompt response. Based upon your email, it appears that we are free to schedule your deposition any day we choose during the March 24th – April 4th time period. Based upon your open schedule, we choose March 31st at 10:00 AM at our offices (subject to approval by the Court).

We disagree and dispute the need to provide you with funds to appear for your Debtor's examination.

Tim Dillon
Dillon & Gerardi, APC

EXHIBIT “E”

Exhibit “E”

Attorney for Judgment Debtor

1

1 Hold a "Judgment Debtor's Examination" outside of the legal
2 jurisdiction of Cohen's residence and place of employment in
3 Mazatlan, Mexico pursuant to Rule 4(f) of the Federal Rules of
4 Civil Procedures that is provided for persons residing and
5 employed outside of the United States and;

6 To be served pursuant to Rule 4 of the Federal Rules of
7 Civil Procedures for an order to appear for a Judgment Debtor's
8 Examination.

9 Attached hereto and incorporated herein, is Cohen's
10 declaration in support of his NOTICE OF REVOCATION for the
11 courts perusal.

12
13 Dated: February 21, 2008

Respectfully submitted,

14
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16 /s/

17 Stephen Michael Cohen
18 Attorney for Judgment
19 Creditor
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NOTICE OF REVOCATION

Attorney for Judgment Debtor

1 On or about February of 2006, I agreed to appear at a
2 judgment debtor's examination in San Diego, California. At the
3 time I was residing in San Diego, California.

4 From June of 2006 forward to this date, Plaintiff and his
5 attorneys have scheduled numerous "Judgment Debtor's
6 Examinations" that in fact have never taken place.

7 On July 31, 2007 Plaintiff's attorney Richard Idell filed a
8 fraudulent and perjurious document for a scheduling of my
9 "Judgment Debtor's Examination" before this court which is the
10 subject of a hearing currently scheduled for March 30, 2008.

11 In Mr. Idell's application for a JD hearing, Mr. Idell
12 fraudulently stated that I resided, and or had a business
13 located within 50 miles of this court. At the time Mr. Idell
14 made this fraudulent statement he knew that I was residing in
15 Tijuana, Mexico.

16 Mr. Idell's purpose in submitting a fraudulent application
17 for a "Judgment Debtor's Examination" was for the purpose of
18 giving this specific court jurisdiction to order myself to
19 appear at a "Judgment Debtor's Examination" to be held at Mr.
20 Idell's office in San Francisco, California.

21 On August 7, 2007, I and Richard Idell both appeared in
22 open court on my motion under Rule 60(B). At that time, I
23 stipulated and agreed to appear on October 1, 2007 for a JD
24 examination to be held in San Diego, California. The court
25 ordered Plaintiff and his attorneys to file and notify all
26 parties including myself as to the date, time and place of the
27 new scheduled JD examination.

28 No such notification was ever filed with the court by

1 Plaintiff or his attorneys as ordered by this court. As a
2 result, no such examination ever took place.

3 In November of 2007, I moved to Mazatlan, Mexico which is
4 over 2000 driving miles from San Diego, California.

5 On November 26, 2007, I filed a change of address with the
6 court and consequently, all parties were notified via the ECF.

7 In my change of address, I again agreed to appear anywhere
8 Plaintiff or his attorney's wanted to hold a deposition provided
9 that they pay all fees as required under Title 28.

10 At this moment in time, I am under no notices to appear
11 before this entitled court, nor have I been notified to appear
12 at any judgment debtor's examinations by Plaintiff or his
13 attorneys.

14 At this time, I hereby REVOKE my waiver of notification of
15 service of process as required by Rule 4 of the Federal Rules of
16 Civil Procedures and I further REVOKE my waiver to hold any
17 "Judgment Debtor's Examinations" outside of the jurisdiction of
18 my residence as provided under Rule 4(f) of the Federal Rules of
19 Civil Procedures.

20 I declare under the penalty of perjury that the foregoing
21 is true and correct.

22 Executed on this 22th day of February, in the City of
23 Mazatlan, Mexico.

24
25
26
27 /s/

28 Stephen Michael Cohen
Declarant

CERTIFICATE OF SERVICE

I hereby certify that on this 21th day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the *CM/ECF* system which will send notification of such filing to the following:

Richard J. Idell, Esq.
Idel & Seitel
465 California Street, Suite 300
San Francisco, CA 94104
Served via Email to: Richard.idell@idellseitel.com

Dillion and Gerardi, APC
Attn.: Timothy P. Dillion, Esq.
4660 La Jolla Village Drive, Suite 775
San Diego, CA 92122
Served via email to: tdillon@dillongerardi.com

Steve Emery Teich, Esq.
1390 Market Street
Fox Plaza, Suite 310
San Francisco, CA 94102
Send via email to: steve.teich@sbcglobal.net

Dated: February 21, 2008

/s/ _____
Stephen Michael Cohen
Attorney for Judgment Debtor
In Pro Se

CERTIFICATE OF SERVICE

EXHIBIT “F”

Exhibit “F”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): — Timothy P. Dillon, Esq. (SBN 190839) Dillon & Gerardi, APC 4660 La Jolla Village Drive, Suite 775 San Diego, CA 92122 TELEPHONE NO.: (858) 587-1800 FAX NO.: (858) 587-2587 ATTORNEY FOR (Name): Plaintiff, Gary Kremen		FOR COURT USE ONLY
NAME OF COURT: United States District of California STREET ADDRESS: 280 South First Street MAILING ADDRESS: 280 South First Street CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Northern District		
PLAINTIFF: Gary Kremen DEFENDANT: Stephen Cohen		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		
		CASE NUMBER: C 98-20718 JW

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): Stephen Michael Cohen
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. ☒ furnish information to aid in enforcement of a money judgment against you.
 - b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: March 31, 2008 Time: 10:30 A.M Dept. or Div.: Rm.:
Address of court ☐ shown above ☒ is: Dillon & Gerardi, APC; 4660 La Jolla Village Dr.
#775; San Diego, CA 92122

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):
Steven Teich, ESQ. and the Court's electronic filing system

Date:

JUDGE OR REFEREE

Honorable James Ware

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
applies for an order requiring (name): to appear and furnish information
to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
☒ the judgment debtor
☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who
owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil
Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of
attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination
is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 26, 2008

Timothy P. Dillon, ESQ.
(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows (*Describe the property or debt using typewritten capital letters*):

\$65 million dollars plus accrued interest from April 3, 2001

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

EXHIBIT “G”

Exhibit “G”

Stephen Michael Cohen
A.V La Marina Edif.13 Dep.1
Fraccionamiento El Toro CP 82120
Mazatlan, Sinaloa Mexico
Email mrstephenmcohen@yahoo.com
Attorney for Judgment Debtor

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. CV 98-20718 JW PVT

GARY KREMEN,

Plaintiff,

vs.

**DECLARATION OF O ROBERT
MEREDITH**

STEPHEN MICHAEL COHEN, at al.,

Defendants.

I, O Robert Meredith, hereby state:

I am an attorney licensed to practice law before all Courts
in the State of Utah and I have been in practice for over 44
years.

DECLARATION OF O ROBERT MEREDITH

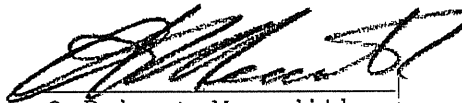
1 I have served on several Utah State bar committees and I
2 have also served as chaplain for the Salt Lake Police Department
3 for many years.

4 One of my clients is a Mr. John Hawkins who has a residence
5 in Mazatlan, Mexico. Mr. Hawkins agreed and allowed Stephen
6 Michael Cohen to reside at his residence in Mazatlan, Mexico
7 where Mr. Cohen has made this residence his permanent residence
8 address in Mexico.

9 At no time within the last three (3) months has anyone
10 representing Plaintiff Gary Kremen, or any of his attorneys
11 including representatives, agents or investigators have ever
12 called me nor asked me to verify information about Mr. Cohen's
13 residence in Mazatlan, Mexico. Nor has anyone asked me to put
14 them in contact with John Hawkins.

15 I declare under the penalty of perjury that the foregoing is
16 true and correct.

17 Executed on this 27th day of February, 2008 in the City of
18 Salt Lake City, Utah.

19
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21 

22 O Robert Meredith
23 Declarant
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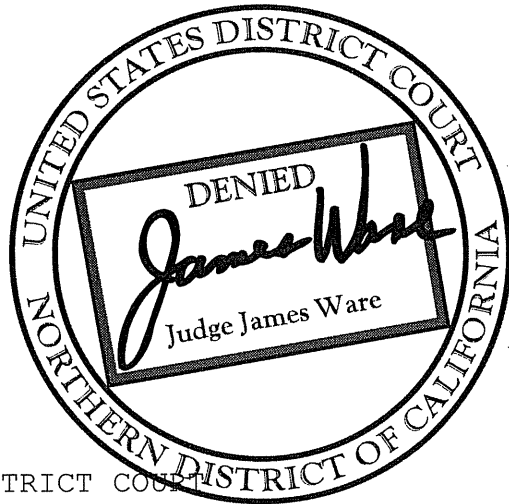
DECLARATION OF O ROBERT MEREDITH

EXHIBIT “H”

Exhibit “H”

Stephen Michael Cohen
A.V La Marina Edif.13 Dep.1
Fraccionamiento El Toro C.P 82120
Mazatlan, Sinaloa Mexico
Tel Number: +52 443 148-0690
Email mrstephenmcohen@yahoo.com

Attorney for Judgment Debtor



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY KREMEN,

Plaintiff,

vs.

STEPHEN MICHAEL COHEN, at al.,

Defendants.

) Case No. CV 98-20718 JW PVT

) JUDGMENT DEBTOR COHEN'S EX PARTE
) MOTION TO APPEAR ON MARCH 31, 2008
) AT 9:00 A.M. TELEPHONICALLY

) Date: March 31, 2008
) Time: 9:00 A.M.
) Courtroom: 8

) Judge James Ware, Presiding

Comes now Stephen Michael Cohen, judgment debtor who
applies ex party for permission to appear telephonically for the

JUDGMENT DEBTOR COHEN'S EX PARTE MOTION TO APPEAR ON MARCH 31, 2008
AT 9:00 A.M. TELEPHONICALLY

1 current appearance scheduled on March 31, 2007 at 9:00 A.M.
2 before the Honorable James Ware.

3 Said motion is pursuant to Local Rules 7-1(b), 7-10 and 7-
4 11.

5 Judgment Debtor's voice over IP number is 011 52 443 148-
6 0690 from the United States.

7 Said motion is based upon the attached declaration of
8 Stephen Michael Cohen.

9 Dated: March 4, 2008 Respectfully Submitted,

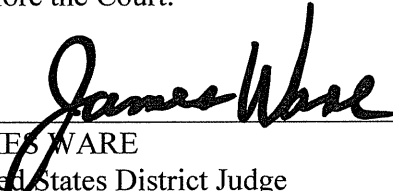
10
11
12 /s/ _____
13 Stephen Michael Cohen
14 Attorney for Judgment Debtor
15

16 ***** ORDER *****

17 The Court DENIES Defendant Cohen's motion to appear telephonically for the
18 March 31, 2008 proceedings. First, the Court does not have the facility to
19 accommodate telephonic appearances at this time. Second, having brought a
20 motion before the Court, Defendant Cohen must appear to defend his motion.
21 Finally, the proceedings include a debtor's examination which must be conducted
22 personally.
23
24

25 Accordingly, the parties shall appear for the **March 31, 2008 hearing at 9 A.M.**
26 to respond to the various motions currently before the Court.
27

28 Dated: March 11, 2008


JAMES WARE
United States District Judge

JUDGMENT DEBTOR COHEN'S EX PARTE MOTION TO APPEAR ON MARCH 31, 2008
AT 9:00 A.M. TELEPHONICALLY